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THE SITUATION IN THE MIDDLE EAST
QUESTION OF PALESTINE
REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Fifty-first year

Identical letters dated 13 December 1996 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

I have been instructed to bring the following to your immediate attention. This week the Israeli authorities approved a plan of construction of 132 housing units for Jewish settlers in the heart of occupied East Jerusalem on an area of land measuring 14 1/2 dunums. If implemented, the settler colony would be within the original and recognized municipal border of East Jerusalem and it would be in the middle of the crowded Arab neighbourhood of Ras al-Amud, which is inhabited by 11,000 Palestinians. It would also be overlooking Al-Haram Al-Sharif and Al-Aqsa Mosque.

The Israeli plan for the settlement violates the Fourth Geneva Convention of 1949, article 49 of which prohibits the occupying Power from transferring its civilian populations into the occupied territory. Many Security Council resolutions have affirmed the applicability of the Fourth Geneva Convention to all the occupied territory, including Jerusalem. Further, the Israeli plan violates specific Security Council resolutions related to Jerusalem, including resolutions 250 (1968), 252 (1968), 267 (1969), 271 (1969), 298 (1971), 446 (1979), 476 (1980), 478 (1980) and 672 (1990). In those resolutions the Council, inter alia, declared that all of the measures and arrangements taken by Israel, including the legislative and administrative ones, aimed at changing the legal status of the city are null and void and without any legal validity. In

those resolutions the Council also called upon Israel to desist from changing the character of the city and its demographic composition.

The General Assembly only recently, on 4 December 1996, reaffirmed once again a clear position in this regard in its adoption of the resolution on Jerusalem (resolution 51/27) by an overwhelming majority, which was adopted as part of a series of General Assembly resolutions critical of Israel's policies and behaviour. Today the General Assembly overwhelmingly adopted a resolution on the Israeli settlements (resolution 51/133), reaffirming that Israeli settlements in the occupied Palestinian territory, including Jerusalem, are illegal and demanding complete cessation of all settlement activities.

The Israeli plan in Ras al-Amud also represents a gross violation of the Declaration of Principles signed by the Government of Israel and the Palestine Liberation Organization on 13 September 1993, in which the parties agreed to negotiate, among other things, the status of Jerusalem as part of the negotiations on the final settlement, which should have already commenced in May of this year. Needless to say, this obliges the parties not to create new facts on the ground which would pre-empt the expected negotiations and render them useless. In addition, it is certain that such a new settler colony would generate practical and dangerous ramifications. The prevailing situation created by the illegal settler colony in Hebron is a clear example in this regard.

The Israeli Government obviously has not ceased attempting to further change the situation in Jerusalem and create a new demographic composition in the city. A case of such was raised in our letter to Your Excellency of 27 August 1996 (A/51/310-S/1996/699) regarding the Israeli destruction of the building belonging to the Burj al-Laqlaq Society within the walled Old City of Jerusalem. Another case was the opening by the Israeli authorities of a tunnel in the vicinity of Al-Haram Al-Sharif and their refusal to comply with Security Council resolution 1073 (1996) in this regard. Also, the Israeli Government has repeatedly imposed illegal measures aimed at depriving Palestinian Jerusalemites of their inherent right to live, like their ancestors did, in their city. The Israeli authorities have been considering Palestinian Jerusalemites as "foreigners" and applying all kinds of illegal tricks and manoeuvres to take away the so-called "residence rights" from them, including, for instance, attempts to do so to those who have American citizenship.

Sources also indicate that the current Israeli Government plans to build two more settler colonies within occupied East Jerusalem, in Wadi al-Joz and Jabal al-Mukabir, in addition to the plan for building another settler colony in Jabal Abu-Guneihm. All of the above-mentioned come as part of the intensification of settlement building by the Israeli Government in pursuit of its campaign of settler colonialism in the occupied Palestinian territory, including Jerusalem.

The Israeli Government, then, is following an illegal and dangerous path. Its plan in Ras al-Amud is tampering with the sensitive and precarious issue of Jerusalem. It is completely illegal under international law and the relevant Security Council resolutions. It threatens to shatter the Middle East peace process and thus threaten international peace and security.

The Security Council has the responsibility to act on behalf of the international community to prevent such developments, to protect the peace process and to guarantee respect for the Council's resolutions and for international law. Accordingly, we request that the Council formally consider the matter and urgently take the necessary measures in this regard.

I would be grateful if you would arrange to have the text of the present letter distributed as an official document of the fifty-first session of the General Assembly, under agenda items 33, 35 and 85, and of the Security Council.

(Signed) Nasser AL-KIDWA
Permanent Observer of Palestine
to the United Nations